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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,283	05/22/2000	Christopher P. Bergh	10844-002001	1521
51414	7590	09/01/2005	EXAMINER	
GOODWIN PROCTER LLP PATENT ADMINISTRATOR EXCHANGE PLACE BOSTON, MA 02109-2881			STIMPAK, JOHNNA	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/575,283

Applicant(s)

BERGH ET AL.

Examiner

Johnna R. Stimpak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/13/2005 has been entered.

***Response to Arguments***

2. Applicant's arguments filed 5/23/05 have been fully considered but they are not persuasive. Applicant asserts Anderson in view of Griggs does not teach the lead selectivity being based on the attributes of the users performing the search, however, the users must specify criteria to search for customer leads, this criteria is based on attributes of the users in that the user may only wish to work with certain customers with certain characteristics. The previous rejections of claims 29-48 have been modified in light of the new amendments.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 29-48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, US 6,078,892 in view of Griggs, "Give us leads! Give us leads!"

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As per **claim 29**, Anderson et al teaches configuring a lead processing system, including accepting a specification of a plurality of users of the system (column 2, lines 54-59 – the agent submits preferences of the type of customer requested), and accepting a specification of a plurality of rules for determining at least one action of the lead processing system with respect to the users, the rules being based on attributes of the users (column 7, lines 53-65 – distinct rules include a second step wherein the leads are delegated to an agent based upon product of interest, or preferences such as age range, location, sex, etc, inherently this information, i.e., age, location, sex, etc., reflects attributes of the users since the agent must specify their interest in working with clients holding these attributes; in addition at column 8, lines 1-6 the user can specify a max number of leads to be output from the search, this is also reflective of an attribute of the user); accepting at least one customer lead (column 8, lines 64-67 – the customer lead is selected); routing the at least one customer lead through the lead processing system in accordance with the rules (column 3, lines 17-39 – the customer leads are matched to the agent based on customer information and preferences set by the agent; column 7 – customer descriptive information is used to match the agent with the appropriate customer to pursue, this can be based on location, age, sex, type of business, etc.). Anderson et al does not explicitly teach tracking and reporting an advancement of the at least one customer lead through the lead processing system. Griggs teaches the use of an automated lead-management system that allows one to track leads from its inception to close (page 2, paragraph 7). Since both Anderson et al and Griggs both teach a customer lead system wherein leads are routed through a system to the appropriate user, it would have been obvious to modify Anderson et al to include a tracking system. This would allow the

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user to create revenue and manufacturing forecasts and also to evaluate return on investment for different lead-generation programs.

As per **claim 30**, Anderson et al teaches the rules comprise prioritization rules for assigning a priority to a lead based on at least one attribute of the lead (column 5, lines 3-19, lines 45-55 – the customer information is scored and arranged by score so that the records having the highest score and thus are the most relevant appear first).

As per **claim 31**, Anderson et al teaches the rules comprise assignment rules for assigning the leads to one or more users (column 3, lines 17-39 – the customer leads are matched to the agent based on customer information and preferences set by the agent; column 7 – customer descriptive information is used to match the agent with the appropriate customer to pursue, this can be based on location, age, sex, type of business, etc.).

As per **claim 32**, Anderson et al teaches the rules comprise attachment rules for determining additional information to be attached to the leads prior to further routing of the lead (column 8, lines 49-67 – when the user accepts the lead, the additional customer information which was previously withheld is output).

As per **claim 33**, Anderson et al teaches the additional information comprises specifications of a product associated with the lead (column 7, lines 27-52, lines 53-65 – when matching the customer lead with an agent, the product information is taken into account).

As per **claim 34**, Anderson et al does not explicitly teach the additional information comprises documentation of a program to facilitate the sale of at least one of a product and service associated with the lead. Griggs teaches a script that is used to determine information from the lead to better evaluate the potential sale. Since both Anderson et al and Griggs teach a

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customer lead system wherein leads are routed through a system to the appropriate user, it would have been obvious to one of ordinary skill in the art to modify Anderson et al to include a program to facilitate the sale of the product or service associated with the lead. As taught in Griggs the benefit to having a rigid script is the ability to determine potential sales opportunities.

As per **claim 35**, Anderson et al teaches the rules comprise workflow rules for optimizing a flow of leads through the system to facilitate a rapid lead response and a high rate of lead closure (column 7, lines 53-65 – distinct rules include a second step wherein the leads are delegated to an agent based upon his/her own specified rules such as product of interest, or preferences such as age range, location, sex, etc; these rules are put into place to optimize the retrieval of information to ensure sales agents have an assurance that the information produced from the lead searches includes the best candidates for their products (column 1)).

As per **claim 36**, Anderson et al teaches a particular user selects at least one rule to be applied to that user (column 7, lines 53-65 – distinct rules include a second step wherein the leads are delegated to an agent based upon his/her own specified rules such as product of interest, or preferences such as age range, location, sex, etc).

As per **claim 37**, Anderson et al does not explicitly teach tracking and reporting an advancement of the at least one customer lead includes generating at least one performance report comprising a metric of performance of at least one of: (i) a source of the leads, and (ii) at least one of the users. Griggs teaches the use of an automated lead-management system that allows one to track leads from its inception to close (page 2, paragraph 7). While the lead is tracked, one user indicated they determined 91.5% of leads given are contacted (page 3, paragraph 15; this inherently shows performance of at least one of the users being reported). The

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information collected is useful in evaluating return on investment. Since both Anderson et al and Griggs teach a customer lead system wherein leads are routed through system to an appropriate user and tracked, it would have been obvious to modify Anderson et al to include reporting performance data to help improve return on investment.

As per **claim 38**, Anderson et al teaches the use of a marketing database where the lead information is gathered, but does not explicitly teach the source of the leads includes a marketing campaign. Griggs teaches customer leads resulting from marketing department's advertising and trade show efforts (page 2, paragraph 3). Since Anderson et al teaches a marketing database, it would have been obvious to one of ordinary skill to gather customer information from a marketing campaign as taught in Griggs since those leads would be the core prospect for upcoming new business.

As per **claims 39-48**, they are the system for implementing the method of claims 29-38. Since both Anderson et al and Griggs teach a computerized system for lead optimization/generation, claims 39-48 are rejected in the same manner as claims 29-38 above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Melchione et al, US 5,966,695 – sales and marketing support system using a graphical query prospect database

Melchione et al, US 5,930,764 – sales and marketing support system using a customer information database

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Stimpak whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS  
7/22/05

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